G. R. S IX-5]

Previous references.

File No. 570

1917.

Serial Nos.

(Misc 2) 1—2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for April 1920

SUBJECT.

Disputes in the High Court Madras in re Inter-Departmental Communication

---

W D 1250—GPB—30,000 28-1 19

GENERAL AND REVENUE SECRETARIAT

( )

NOTES.

File No 5 . : -19

FILE HEADING.

Filing a revision petition
in the Vagaikulam ... comm ... t ...

From

The Muzrai Suptdt in ... for

Note No. CR. 92 Dated 19-3-20 Received

Diary No. 853] Enclos.— Spare Copies [Serial No ...

BRIEF ABSTRACT OF LETTER.

Requests permission to instn ... ff ...
Narasimhadyengar to withdraw ... ...
filed in the High Court, as the ... ...
proceedings ... ter in the ... ...

NOTES AND ORDERS.

The Muzrai Suptdt's note explains the facts of the case - The Muz: Suptdt's office file is also putup for reference -

Subm: for orders. 2 Files. 2810-17 & 27-19.

SBJ
20.3.20

(Illegible) 20.3.20

NOTES—First Sheet.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 870 of 191 9

Serial No.

Second Member 21/8/20

6114-167
22-3-916

Evidently the Ex. Agent W. M. Rajaratnam Rao has played ~~[illegible]~~ to his own bat in this instance. presumably having come to a previous understanding in the matter with the local agent & the local Lawyer, ~~[illegible]~~ at the instance of the Lessee. It is strange that the High Court-Vakil at Madras should ~~[illegible]~~ also have allowed himself & the works to be hurried in this manner. Under the circumstances Explained I am inclined to agree with the Hon'ble Secy. though I should like to make one observation. That is if the lessee will undertake in writing to bear all the costs of the litigation, & the final decision go ~~[illegible]~~ in favour of the ryots, and not to sack the mutt to share it with him. The maker may be allowed to take its own further course. In this case the Mutt will run no risk. If the lessee is not agreeable to this, the Mutt should have nothing further to do with it. The H.C. Vakil may be told accordingly & asked to withdraw from the petition so far as the Mutt is concerned.

Read
24-8-20

Draft
[illegible] 24/8/20.

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat. | Misc. File No. 570 of 1917.

D 2025

Serial No. 2

Srimukha 5 2-6-1917 to [illegible]
of the Sri Vyavahara [illegible]

States that the suit [illegible] in the High Court, [illegible] rent commenced [illegible] village, may [illegible] and contended [illegible] not with drawn -

Subd for orders -

5 The Swamy's opinion differs from the opinion expressed by the Member of Council in the previous page -

8.4.20 8/4/20

~~The order before the~~

~~Order of 24th March 20~~ [illegible] as the file was sent for the Member's orders.

H W

On 24.3.20. a telegram was rcd Stating that the lessee & the Govt Pleader would be coming here & It was intended to take the views of the lessee when on his coming here.

The lessee came rcd on 3rd Apl & represented that he had seen the maps & explained to him & got from him a written statement was necessary & the

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 191).

Serial No.

H.V.

Letters of the matter Mr T. Kalesmanaswamy Pillai wrote to say that the Swami was for [illegible] the Revision

On this, the case of the Order of 24.3.20 was held in abeyance pending a direct comm: from the Swami.

This The Swami has now written to say that the Revision petition might be proceeded with.

ADD J

8.4.20

Addl J)

In View of the fact that the Swami desires that the Revision petn should be proceeded with, Mr. T. Ramamurthy Pillai Counsel for the petitioner may be asked to argue it in the High Court.

Second Member) WJ 9/4/20.

6459-169
9.4.20

This looks queer! Since the Swami & the

NOTE—Contn. sheet.

G. R S. III-2)

General and Revenue Secretariat. | File No. of 191

Serial No.

Lessee seem to have come to an understanding in the matter. The wishes of the former may be met. [I do not know if it is usual to consult the Govt. Advr. in such cases.]

Recd
10.4.20

Mr Narasimhan by your Hyderabad Vakil wrote to us that the Revenue petn may be disposed of. No further action

Attd.
16/4/20.

NOTE—Contn sheet.

1853

Q 20
Meer
570-19
/

CR No: 92
melon 19.3.1920

OFFICE OF THE
MUZRAI SUPERINTENDENT
IN MYSORE.

NOTE

SUBJECT

The village of Vaghaikulam is an inam granted to Sri Vyasaraya Matt and is the most important of its properties. It fetches a ren--tal of Rs. 7000/- per annum. The present les-see is one Sundaram Iyer of Kalladikurchi who under the terms of the lease is bound to safe-guard the interest of the Matt and to conduct at his own expense all litigations relating thereto.

2. For some years past there has always been a dispute between the tenants and the lessee regarding the ~~exact~~ exact rent due from the former and as no satisfactory Settlement could be - - arrived at the lessee filed a batch of Summary suits in the court of ~~the Sub Collector~~ the Sub Jol-lector, Shermadevi, praying for a declaration

of his right to recover from the tenants the full melvaram rent inclusive of all the ~~manual~~ manool cesses and perquisites and this was again followed by another batch of suits in which the matt also was joined as plaintiff, so as to ensure proper representation of the matt rights. The disputes were ~~carried~~ carried up to the High Court and were finally decided in favour of the matt.

3 On this, the ryots moved the Sub Collector to ~~commute~~ commute into money rent the share of produce which is now being - - received by the lessee on behalf of the matt. As it was apprehended that this would affect permanently the future interest of the matt the claims of the matt for rent in kind were vigorously defended at the cost of the matt- the lessee himself not being particular to contest the suit at his own cost.

4 In the original court the Honorary Collector of Tinnevelly dismissed the applications of the ryots for cash commutation of rent, ~~an~~ and on appeal by the ryots, the Collector revised the said order.

5 An appeal was ~~therefore~~ upon preferred on behalf of the matt to the Board of Revenue Madras, against the decision of the collector but the Poard have dismissed the appeal petition and confirmed the collector's order granting the commutation sought for by the tenants and also ~~recommended~~ demanded the matter to the Court of the Honorary Deputy, Collector of Tinnevelly for fixing the rate of commutation. The case in regard to the actual commutation stands posted for hearing on 9th April 1920.

H.S

6. In January last, the Agent Mr. M.Raghavendra Rao and our pleader Mr. Sundaram Ivengar of Tinnevelly ~~prepared~~ prepared to file a revision petition in the High Court against the decision of the Board. The matter was referred to Mr. T. Narasimha Iyengar, High Court Vakil, Madras (who had conducted the case before the Poard) for opinion. He wrote that in his opinion the High Court would not interfere in revision in ~~an~~ our case as the requirement of S.115.C.P. were not satisfied and that there was no use in - - filing a revision petition in the present case. On this, the matter was dropped.

H T

7 On the 9th Instant however pleader Mr. Sundaram Iyengar wrote to say that a revision petition on behalf of the matt had been filed in the High Court by Mr. T.Narasimha Iyengar on 5th Instant and this was confirmed by the letter of the matt's Sub Agent at Tinnevelly received on 12th Instant. As Mr. T. Narasimha Iyengar himself had not written about his having filed the Revision Petition, a letter was sent to him enquiring how the petition was filed in the face of his advice to the contrary-. His reply dated 14-3-20 is submitted herewith. Reading his letter it will he seen that tne - - filing of the Revision Petition in the High Court was a forced move by the lessee of the village, who at the outset had refused to finance the defence of the suit instituted by the tenants. So far as the matt is concer ned, it seems to me that there is no use of pressing the revision. I may here refer~~ence~~ to the opinion recorded by Mr. G. Aravamudu Iyengar on 30.8.1917 in connection with the appeal to the Board of Revenue.

Mr. T. Lakhminarasimha Rao who has been

taking an active interest in the affairs of the Matt is also against the prosecution of the revision petition.

H.x

As the matt, in whose name the revision has been filed by Mr. T. Narasimha Iyengar on the strength of a Vakalatnama given, without consulting me, by Mr. Raghavendra Rao, Government Agent while he was on leave , will be held liable for the costs of the petition, should it end adversely to the matt, as it is likely to be, I request the ~~petition~~ permission of Government to instruct the Vakil to withdraw the petition.

19 March 20

Muzrai Superintendent.

Bangalore
5th April 20

My dear sir

Mrs Hawes the Savumpalayam
Whom I had gone to visit has desired
me to inform you that he wants
the Kaykhailakam Cases to be
pushed through in the High
Court and at the Cost of the State

Yours sincerely

H. Chisholm Waddington

P.S. A Map is with Plowden and Whitehead

12 Nov.

TELEGRAPHS. 2035

NOTICE.

This form must accompany any Inquiry made respecting this Telegram.

Charges to pay. Re. As. Office Stamp

Handed in at (Office of Origin).	Date	Hour	To the	Service Instructions.	Words
Tinnevelly	24	18 20			20

Rec'd here at 20 P. 25 M.

TO

Muppai Sirpat Bangalore

Lakshmanaz'aikaran Judgment Court

Bangalore me an urgent please

send commutation ~~Lakshmanaz'aikaran~~

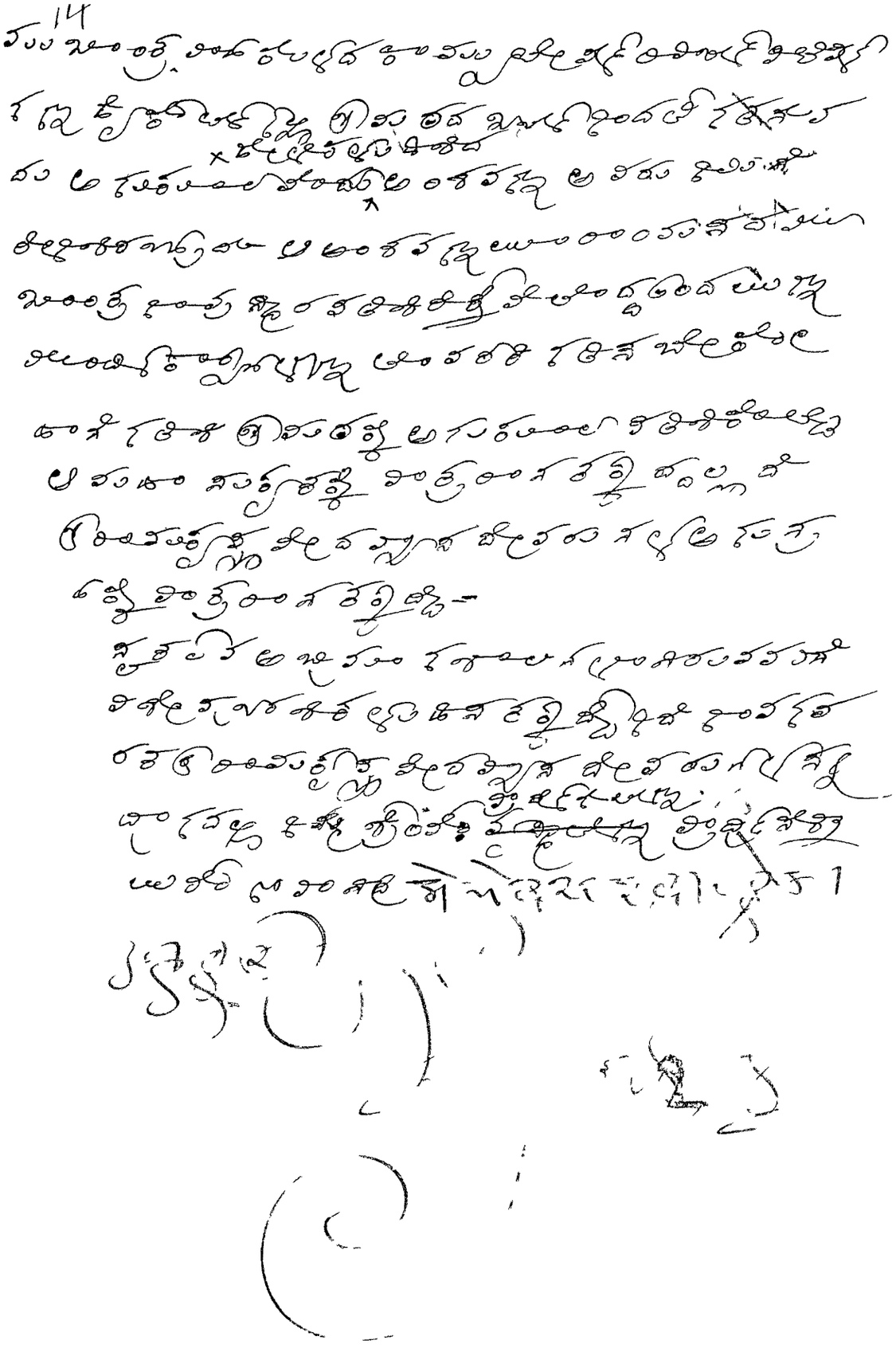
Quit records to vakil Narasimmier for

Rundastamier for

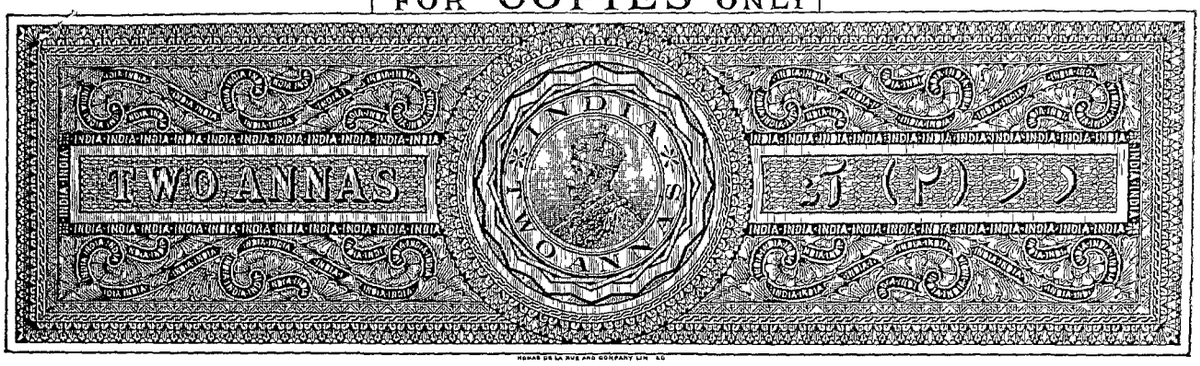
vakil.

N B—The name of the Sender, if telegraphed, is written after the text.

Lal Chand & Sons—3343—13-10-19—2,00,000 Bks. (Eng. D).



FOR COPIES ONLY

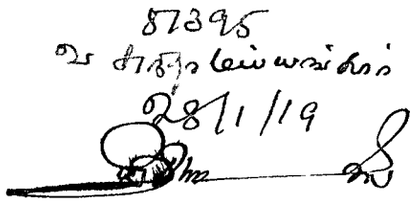


In the Court of the Hy Dy Collector Immediy
This the 31st day of December 1917
Summary Suit No 40 of 1917
Present:— Dy Collr T. V. Kallapiran Pillai Avl BA.
Sadupperumal Kone son of Vallaperumal Kone
rep by Ambasamudram, Ambasamudram Taluk Plaintiff
And
Srimat Vidhya, Kandle, Theertha Sree, Padangala
varu, the Swamigalavaru, of the Sree Vijaya-
rayaswami Matt. ——— 1 Defendant
Sundaramier son of Sankaraier, Lessee of Kayi
Melam Village, residing at Kallidakurichi
Ambasamudram Taluk ——— 2 Defendant.
This is a suit brought under Section 40 of Act I
of 1901 (Madras) This suit coming on for final
hearing upon hearing the evidence and the
arguments of the plaintiff's Vakil Mr. S. V. Ganesier
and the defendants Vakil Mrs Sundaramiengar & A. B Jaganatha Rao
and perusing the material papers this Court doth
order and decree that as no sufficient evidence is
forthcoming for allowing commutation, it is
disallowed and doth further order that each party
do bear its own costs.

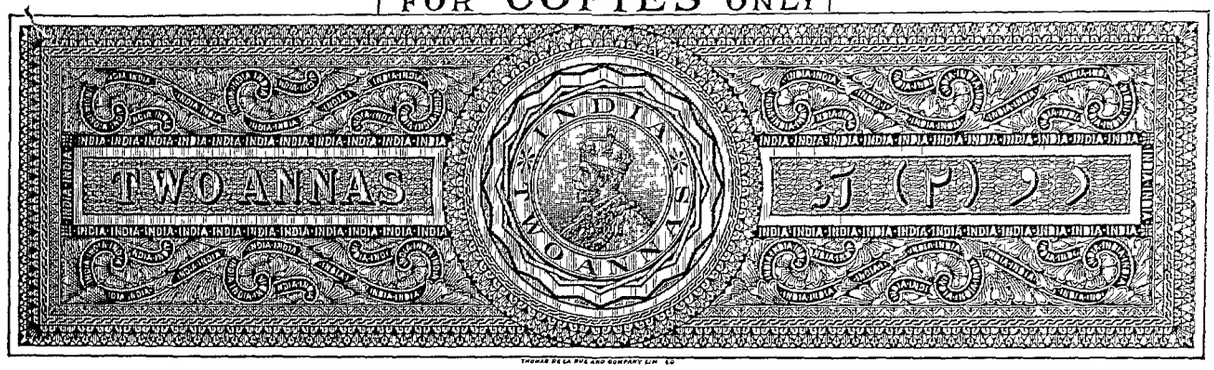
Particulars of costs

Vide V

Com over(1) 6/-



FOR COPIES ONLY



Plaintiff's costs. Rs as ps.

1 Stamp for Plaint. 10-0-0.

2 Do for power. 0-8-0.

3 Pleader's fee.

4 Service of process.

5 Do. for petition.

Defendant's costs Rs ps.

1 Stamp for power. 0-8-0.

2 Pleader's fee.

3 Service of process.

4 Stamp for petition.

Given under my hand and the seal of the Court this 31st day of December 1918

(Signed) S. V. Kallapuram.

Ag. Sub-Collector.

(True copy)

P. N. Ramakrishnayya
Head Clerk

Words. 228

Corrections. Nil (one)

Despatched by Thirumurthy Nayar. 16-2-19

Examined by S. Selvachalapathy Pillai, 17.2.19 Examiner

87894
28/1/19